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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**ORIGINAL**

In the Matter of	)	EB Docket No. 03-96
	)	
NOS Communications, Inc.,	)	File No. EB-02-TC-119
Affinity Network Incorporated and	)	
NOSVA Limited Partnership	)	NAL/ACCT. No. 200332170003
	)	
Order to Show Cause and	)	FRN: 0004942538
Notice of Opportunity for	)	
Hearing	)	

TO: Honorable Arthur I. Steinberg  
Administrative Law Judge

NOTICE OF SPECIAL APPEARANCE

Pursuant to sections 1.91(c) and 1.221(e) of the Commission's rules, 47 C.F.R.

§§ 1.91(c), 1.221(e), and in accordance with the Order to Show Cause and Notice and Opportunity for Hearing ("Show Cause Order") in this matter,<sup>1</sup> the "Principals," as described in the Show Cause Order of NOS Communications, Inc., NOSVA Limited Partnership and Affinity Network, Inc. (the "Companies"), through their undersigned counsel, hereby state that they will appear, without prejudice, on the date fixed for the hearing<sup>2</sup> subject to final adjudication of the

<sup>1</sup> NOS Communications, Inc., Affinity Network Incorporated and NOSVA Limited Partnership, EB Docket No. 03-96, File No. EB-02-TC-119, NAL/Acct. No. 200332170003, FRN: 0004942538, Order to Show Cause and Notice and Opportunity for Hearing, FCC 03-75, released April 7, 2003 ("Show Cause Order").

<sup>2</sup> NOS Communications, Inc., Affinity Network Incorporated and NOSVA Limited Partnership, EB Docket No. 03-96, File No. EB-02-TC-119, NAL/Acct. No. 200332170003, FRN: 0004942538, Order, released April 16, 2003 (providing that the prehearing will be held on May 21, 2003).

*ATL*

jurisdictional arguments raised in the Petition for Reconsideration filed today by the Companies on behalf of the Principals.

This Notice of Special Appearance is submitted to allow the Principals the right to participate in this proceeding in the event the Commission fails to accept the jurisdictional issues raised by the Petition for Reconsideration pertaining to the Show Cause Order filed today. As explained in the Petition for Reconsideration, the Principals believe that the Commission lacks jurisdiction over them as individuals and the ordering clauses should be directed only to the Companies that operate as common carriers subject to Title II of the Communications Act of 1934, as amended.<sup>3</sup>

In the event the Commission denies the Petition for Reconsideration or otherwise chooses to proceed as if it possesses jurisdiction over the Principals as individuals, the Principals will appear and present evidence on the issues set forth in the Show Cause Order. Any such participation by the Principals will be necessary to protect their rights and will be without waiver

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<sup>3</sup> 47 U.S.C. §§ 151 *et seq.*

CERTIFICATE OF SERVICE

I, Nancy Boudrot, do hereby certify that on this 7<sup>th</sup> day of May, 2003, a copy of the foregoing "Notice of Special Appearance" was mailed by certified U.S. first class mail, postage prepaid (except where noted) to the parties listed below.

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
c/o Vistronix, Inc.  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 20002  
(By Hand Delivery)

Honorable Arthur I. Steinberg  
Administrative Law Judge  
Federal Communications Commission  
Washington, D.C. 20554  
(By facsimile (202) 418-0195)

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Nancy Lee Boudrot